IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 15096 of 2007(V)

PETITIONER:

THE MANAGER,S.V.V.H.S.S. PALEMAD,
MALAPPPURAM DISTRIT.

BY ADV. SRI.T.S.JOHN
SRI.M.S.RADHAKRISHNAN NAIR
SRI.V.N.ACHUTHA KURUP (SR.)

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO
GOVERNMENT,GENERAL EDUCATION (A) DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

3. THE ADDITIONAL DIRECTOR OF PUBLIC
INSTTRUCTION,(GENERAL),
THIRUVANANTHAPURAM.

4. THE DEPUTY DIRECTOR OF EDUCATION,
MALAPPPURAM.

5. THE DISTRICT EDUCATIONAL OFFICER,
MALAPPPURAM.

6. SMT. K.R.PREMA,
PRINCIPAL (UNDER SUSPENSION)
S.V.V/.H.S.S. PALEMAD,
MALAPPURAM DISTRICT.

BY ADV. SRI.KRB.KAIMAL (SR.)
SRI.B.UNNIKRISHNA KAIMAL
SR. GOVERNMENT PLEADER SMT. M.R. SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1: TRUE COPY OF MEMORANDUM OF REVISION PETITION DATED 26.3.2007 ALONG WITH COPY OF ORDER NO.VI:67318/06 DATED 17.3.2007 OF THE SECOND RESPONDENT AND ANNEXURES A TO U AND PETITION FOR STAY.

EXT.P2: TRUE COPY OF ORDER NO.52781/A2/06/G.EDN. DATED 2.4.2007 PASSED BY THE FIRST RESPONDENT.

EXT.P3: TRUE COPY OF ORDER, GO (RT) NO.1941/07/G.EDN. DATED 4.5.2007 THE FIRST RESPONDENT.

EXT.P4: TRUE COPY OF THE PETITION DATED 27.1.2007 SUBMITTED BY THE 6TH RESPONDENT TO THE D.P.I.

6TH RESPONDENT'S EXHIBITS

EXT.R6(A): TRUE COPY OF THE REVISION PETITION DATED 12.3.2007 SUBMITTED BY THE 6TH RESPONDENT BEFORE THE 1ST RESPONDENT.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO.15096 OF 2007

DATED THIS THE 20th DAY OF SEPTEMBER, 2007

JUDGMENT

The petitioner is the manager of a school, who initiated disciplinary proceedings against the 6th respondent, pursuant to which the 6th respondent was suspended. Against her continuation of suspension the Director of Public Instructions passed an order in favour of the 6th respondent which was taken in revision by the petitioner before the Government. Although initially a stay was granted, subsequently that revision petition was dismissed. The petitioner's contention in this writ petition is that, that order was passed without hearing the petitioner. The fact that the petitioner was not heard before passing Ext.P3 order is not disputed before me. That being so, Ext.P3 cannot be validly sustained in law. However, the learned counsel for the 6th respondent submits that the 6th respondent has filed a revision in respect of the findings of the enquiry officer and the show cause notice issued to the petitioner in the disciplinary proceedings and the same also is pending.

2. In the above circumstances, the writ petition is disposed of as follows:

Ext.P3 order is quashed. The 1st respondent shall now dispose of the revision which lead to Ext.P3 order afresh along with Ext.R6(a) revision petition filed by the 6th respondent and pass appropriate orders in both revision petitions as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment after affording an opportunity of being heard to the petitioner as well as the 6th respondent. Till passing of final orders as above, the interim order granted by this court shall continue to be in force.

S. SIRI JAGAN, JUDGE

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